

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1633

IN THE MATTER OF:

Application of INTERNATIONAL)	Served December 2, 1976
LIMOUSINE SERVICE, INC., for)	
Certificate of Public Convenience)	Application No. 957
and Necessity to Perform Charter)	
Operations Pursuant to Contract)	Docket No. 345

By Application No. 957, filed July 29, 1976, as supplemented August 3, 1976, International Limousine Service, Inc., seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to transport persons travelling on official government business, over irregular routes, (1) between 5401 Westbard Towers, Bethesda, Md., and 1750 K Street, N. W., Washington, D. C., and (2) between 5401 Westbard Towers, Bethesda, Md., and 200 C Street, S. W., Washington, D. C., with an intermediate stop at 1750 K Street, N. W., Washington, D. C. 1/ The service would be performed pursuant to a contract with the United States Consumer Product Safety Commission (CPSC). The current contract, as extended, will expire September 30, 1977.

Pursuant to Order No. 1594, a public hearing on this matter was held on October 5, 1976. Applicant's president testified that service is being performed with two 1975 Dodge maxi-vans, each of which is equipped with air conditioning and a telephone and can accommodate 14 passengers excluding the driver. In addition, a 9-passenger station wagon is available as a back-up unit.

1/ Evidence adduced at the hearing in this matter indicates that the correct Bethesda address is 5401 Westbard Avenue and that service is no longer required to the K Street address but, in lieu thereof, from and to 1111 18th Street, N. W., Washington, D. C. We shall treat the application as being amended in this respect.

CPSC maintains offices on Westbard Avenue in Bethesda and on 18th Street in Washington, and has a daily need for employees to travel between the two facilities. Applicant transports between 7 and 12 persons on each of four daily scheduled shuttles. Service begins simultaneously at each end of the route, and applicant has experienced no difficulty operating in accordance with the established schedule. In addition, a meeting involving CPSC officials takes place each week at 200 C Street, S. W., and applicant transports these persons to and from the meeting between regularly scheduled shuttles.

Applicant failed to file any statements setting forth projected revenues and expenses. It did, however, submit certain financial data with its application which indicates an appropriate capital structure. International's witness testified that the company maintains insurance on the vehicles and pays appropriate insurance and withholding taxes.

DISCUSSION AND CONCLUSIONS

The Compact, Title II, Article XII, Section 4(b) provides that "... the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the transportation covered by the application, if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied." The Commission finds that the statutory criteria have been met and that the application, as amended, should be granted.

Initially, we note that the record in this proceeding is very weak in certain respects, primarily the absence of certain financial data and the lack of supporting testimony concerning the need for applicant's service. Although applicant's president asserted a complete lack of familiarity with the regulatory process, such ignorance does not excuse

applicant from satisfying the evidentiary burden mandated by the Compact and this Commission's regulations thereunder. Applicant is therefore put on notice that evidentiary shortcomings in future application proceedings, especially failure to submit required financial data, may warrant dismissal of such applications for want of proper prosecution.

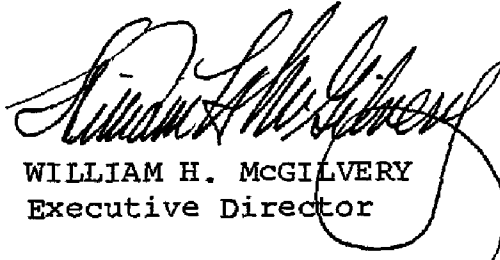
The record herein, however, falls short of being fatally deficient. The evidence shows that there is a need for the proposed service, that riders are presently using such service, and that applicant has been operating in a satisfactory manner. With respect to its financial fitness, it is important that applicant has already acquired appropriate vehicles and that no large capital outlay is proposed. Moreover, applicant has a viable contract with CPSC, thereby assuring a continuing income. The Commission also believes that applicant is willing and able in the future to conform to pertinent regulatory requirements. We are satisfied, in this instance, that applicant's compliance failures have been a result of inadvertance and lack of appropriate knowledge, rather than a deliberate and contumacious flouting of Commission regulations. Applicant is admonished, however, that it has an affirmative duty to become familiar with the provisions of the Compact and the Commission's rules, regulations, and requirements thereunder, and the Commission expects applicant's future operations to be conducted in strict conformance thereto. Applicant is hereby cautioned that the Commission will not look upon future transgressions with the same leniency exhibited heretofore.

The Compact also requires each carrier to "... file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, ... and (2) to the extent required by the regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). Applicant will be required to file an appropriate tariff.

THEREFORE, IT IS ORDERED:

1. That Application No. 957 of International Limousine Service, Inc., as amended, be, and it is hereby, granted.
2. That Certificate of Public Convenience and Necessity No. 38 be, and it is hereby issued to International Limousine Service, Inc., as attached hereto and made a part hereof.
3. That International Limousine Service, Inc., be, and it is hereby, directed to file two copies of its WMATC Tariff No. 1 in accordance with the authority hereinbefore set forth, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

SHANNON, Commissioner, dissents:

Because this applicant failed to provide the information required by the Commission to support a finding of financial fitness and because of the paucity of testimony in support of this application as established on the record, I would deny this application.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 38

INTERNATIONAL LIMOUSINE SERVICE, INC.

WASHINGTON, D. C.

By Order No. 1633 of the Washington Metropolitan Area Transit Commission issued December 2, 1976;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1633;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES

CHARTER OPERATIONS, PURSUANT TO CONTRACT to transport employees of United States Consumer Product Safety Commission:

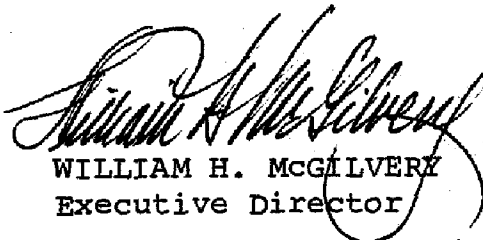
- (1) Between 5401 Westbard Avenue, Bethesda, Maryland, and 1111 - 18th Street, N. W., Washington, D. C.
- (2) Between 5401 Westbard Avenue, Bethesda, Maryland, and 1111 - 18th Street, N. W., Washington, D. C., on the one hand, and, on the other, 200 C Street, S. W., Washington, D. C.

RESTRICTION: The authority granted herein shall not be construed as conferring more than a single operating right.

IT IS FURTHER ORDERED that the operations authorized by this certificate of public convenience and necessity shall be limited to the performance of service pursuant to a continuing contract or contracts between International Limousine Service, Inc., and United States Consumer Product Safety Commission, provided, however, that written notice must be filed by the carrier with the Commission within five (5) days of any cancellation or termination of any of the aforementioned agreements, and further provided that any change in or amendment to any of the aforementioned agreements shall be filed with the Commission for approval at least fifteen (15) days prior to the proposed effective date of such change or amendment, and further provided that any change or amendment to any of the aforementioned agreements which would involve new authority shall be subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact and the Rules and Regulations of the Commission.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVER
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1633*

NOTICE OF CORRECTION

IN THE MATTER OF:

Issued December 9, 1976

Application of INTERNATIONAL)
LIMOUSINE SERVICE, INC., for)
Certificate of Public Convenience)
and Necessity to Perform Charter)
Operations Pursuant to Contract)

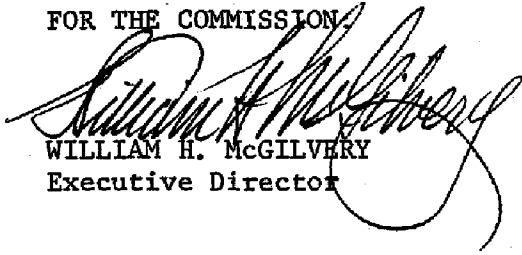
Application No. 957

Docket No. 345

Certificate of Public Convenience and Necessity No. 38,
issued December 2, 1976, pursuant to the above-captioned order,
inadvertently authorizes service from and to 1111 K Street, N. W.,
Washington, D. C., in lieu of 1111 - 18th Street, N. W., Washington,
D. C.

An appropriate correction has been effected on the enclosed
page 1 of said Certificate, and said enclosure should be substituted
for the corresponding page as issued on December 2, 1976.

FOR THE COMMISSION


WILLIAM H. MCGILVERY
Executive Director

* Served December 2, 1976